D.B. Civil Special Appeal (W) No.573/2006
Smt. Meenakshi Vs. Mahadev Balwani

25.08.2006

Hon'ble Mrs. Gyan Sudha Misra,J.
Hon'ble Dr. Vineet Kothari, J.

Mr. D.P. Sharma, for the appellant.

This appeal has been preferred against the order of the learned Single Judge dismissing the writ petition filed by the petitioner who is the appellant herein.

The said writ petition had been filed challenging the order passed by the trial court granting temporary injunction in favour of the respondent-plaintiff directing the appellant as also the respondent to maintain status quo and further directed the parties not to transfer, alienate or dispose of the disputed property during pendency of the suit. The said order was challenged by the appellant, who is defendant in the suit, by filing the writ petition and the same was rejected by the learned Single Judge by order dated 15.12.2004 against which this special appeal has been preferred.

Having heard the counsel for the appellant as also on perusal of the order passed by the learned Single Judge, we see no ground to entertain this appeal as we fail to understand as to what prejudice will be caused to the defendant-appellant and how the balance of convenience will be disbturbed if an order directing maintenance of status quo in regard to the suit property has been passed by the court below. If the defendant-

appellant is in possession of the suit property, the same has not been disturbed even by the impugned orders and the mere direction to maintain status quo cannot be held to be unjust, illegal or arbitrary in any manner.

The appeal thus has no force and it stands dismissed.

[**Dr. Vineet Kothari**],**J.** [**Gyan Sudha Misra**],**J.**

/skm/